

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ROBERT C. KELLER AND)
FRANK RUSSO, individually and as)
representative of all other persons similarly)
situated,)
Plaintiffs,)
v.) Case No. 3:07cv01098-CSC
MACON COUNTY GREYHOUND)
PARK, INC, d/b/a VictoryLand,)
Defendant.)

REPORT OF PARTIES' PLANNING MEETING

Pursuant to Fed. R. Civ. P. 26(f), a meeting was held by conference call on February 11, 2008 and was participated in by the following:

William S. Pritchard, III
Julian P. Hardy, Jr.
Madison W. O'Kelley, Jr.

Stanley F. Gray

For the Plaintiff

For the Defendants

2. **Pre-discovery Disclosures.** The parties will exchange by February 22, 2008, the information required by Fed. R. Civ. P. 26(a)(1).

3. **Discovery Plan.** The parties jointly propose to the Court the following discovery plan:

The parties propose to handle issues related to the disclosure or discovery of electronic information on a case-by-case basis.

With respect to the inadvertent disclosure of privileged information, documents, or work product, the parties agree that the receiving party shall return all copies of the inadvertently disclosed information, document, or work product upon the request of the producing party. In the event the receiving party contests the privileged nature of the information, documents, or work product, the parties agree to seek the Court's assistance in resolving the matter. Until the Court has ruled, the parties agree that any such inadvertently produced information,

documents, or work product shall be kept confidential by the receiving party's counsel, and not disclosed to any other person.

This case is a punitive nationwide class action. Discovery will be needed on the following subjects: class certification, alleged statutory violation, damages and defenses to class certification, liability, and damages.

All discovery pertinent to the issue of class certification to be commenced in time to be completed by August 31, 2008.

Maximum of 40 interrogatories by each party to any other party.
Responses due 30 days after service.

Maximum of 15 depositions by plaintiffs and 25 by defendants. Each deposition limited to a maximum of 7 hours of testimony unless extended by agreement of the parties.

Maximum of 30 requests for admission by each party to any other party. Responses due 30 days after service.

Maximum of 40 requests for production of documents by each party to any other party. Responses due 30 days after service.

Reports from retained experts under Rule 26(a)(2) due:

From Plaintiff by August 1, 2008

From Defendant by September 30, 2008

Supplementations under Rule 26(e) will be due within 14 days of the party becoming aware of the additional information, and in no event later than 30 days before any hearing on class certification.

4. Other Items.

The parties request a conference with the Court before entry of the scheduling order. At this conference, the parties anticipate seeking the Court's guidance relative to the scheduling of a pretrial conference and a briefing schedule to govern dispositive motions under Rule 56, among other items.

Plaintiffs should be allowed until April 15, 2008, to join additional parties and amend pleadings.

Defendants should be allowed until April 30, 2008 to join additional parties and amend pleadings.

Plaintiff's brief in support of any motion for class certification will be filed not later than September 30, 2008.

Defendants' opposition to any motion for class certification will be filed not later than October 31, 2008.

The parties are unavailable to evaluate settlement at this time.

Date: February 11, 2008

/s/ William S. Pritchard, III

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CERTIFICATE OF RETENTION OF ORIGINAL

As attorney for the filer of this document, I hereby certify that the filer or the filer's attorney currently holds the original signature document with any required formalities, will make the same available upon request of the Court or of a party, and will retain the hard copy of the same for one year after the expiration of all time periods for appeals, or resolution of appeals, whichever is later.

/s/ William S. Pritchard, III
Of Counsel